

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2056

In re: RODNEY K. JUSTIN,

Petitioner.

On Petition for a Writ of Mandamus. (1:09-cr-00066-JAB-1)

Submitted: September 21, 2012

Decided: November 8, 2012

Before WILKINSON, NIEMEYER, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Rodney K. Justin, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney K. Justin petitions for a writ of mandamus, requesting that this court order several attorneys involved in his trial and direct appeal to turn over to Justin certain legal records, and seeking that the district court be directed to give Justin access to various transcripts and to equitably toll the limitations period applicable to his anticipated 28 U.S.C.A. § 2255 (West Supp. 2012) motion.

Our review of the district court's docket reveals that Justin has requested identical relief from the district court. Moreover, the district court in August 2012 referred each of Justin's pending motions to a magistrate judge for resolution. Because it is clear that Justin may obtain relief in an alternate venue and that the district court has not unreasonably delayed in its adjudication of Justin's assertions, mandamus relief is inappropriate in this case. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003).

Accordingly, although we grant Justin leave to proceed in forma pauperis, we deny his petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED